REMARKS

In response to the final Office Action dated June 12, 2009, the Assignee respectfully requests continued examination and reconsideration based on the above amendments and on the following remarks.

Claims 1-4, 6-15, and 18-38 are pending in this application.

Amendments to the Specification

This response inserts new paragraphs [0044A] though [0044W]. Support for these paragraphs may be found in U.S. Application 09/496,825 to Grauch, *et al.*, which is incorporated by reference.

Rejection of Claims under § 112

The Office rejected claims 1 and 38 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. "To comply with the written description requirement …, each claim limitation must be expressly, implicitly, or inherently supported in the originally filed disclosure." Department of Commerce, Manual of Patent Examining Procedure § 2163 (II) (3) (b) (Rev. 1, Feb. 2003) (hereinafter "M.P.E.P."). Here the Office asserts that the as-filed application lacks support for "clickstream data."

The Assignee, very respectfully, disagrees. The Assignee strongly asserts that the written description requirement is completely satisfied. The as-filed application fully conveys to one of ordinary skill in the art how clickstream data is received and used. New paragraphs [0044A] though [0044W], for example, fully explain how clickstream data is received and used. The Assignee, then, respectfully submits that the pending claims fully comply with the written description requirement of § 112, paragraph 1.

Rejection of Claims under § 103 (a)

The Office rejected claims 1-4, 6-15, and 18-38 under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent Application Publication 2002/0049631 to Williams in view of WO 99/45702 to Knudsen.

These claims, though, are not obvious over *Williams* with *Knudsen*. These claims recite, or incorporate, many features that are not disclosed or suggested by the combined teaching of *Williams* with *Knudsen*. Independent claim 1, for example, recites "*generat[ing] data describing an <u>event timeline</u> that describes the clickstream data and the content information over time*" and "*classifying the user by the processor in the user classification when the data describing the <u>event timeline</u> relates to the at least one user's purchase records*" (emphasis added). Independent claims 18 and 38 recite similar features.

These features are not obvious over *Williams* and *Knudsen*. *Williams* discusses an incentive system that associates incentives to purchased items. *See, e.g.*, U.S. Patent Application Publication 2002/0049631 to Williams at paragraphs [0012], [0013], and [0033]. *Williams* discusses a set top box that can send "an acceptance of an offer" in "instructions" to an advertisement. U.S. Patent Application Publication 2002/0049631 to Williams at paragraphs [0035] - [0037]. *Knudsen* receives "information regarding programs that have been purchased and viewed." *Knudsen* at page 10, lines 8-11. *Knudson* then targets incentives to viewers based on pay-per-view programming. *See, e.g., Knudsen* at page 10, lines 8-11. *Knudsen* also describes an "order processing and billing system" for pay-per-view programming. *Knudsen* at page 9, lines 5-8.

Still, though, the independent claims are not obvious over *Williams* with *Knudsen*. The combined teaching of *Williams* with *Knudsen* still fails to teach or suggest "*generat[ing] data describing an event timeline that describes the clickstream data and the content information over time.*" The combined teaching of *Williams* with *Knudsen* also fails to teach or suggest "*classifying the user by the processor in the user classification when the data describing the*

event timeline relates to the at least one user's purchase records." One of ordinary skill in the art, then, would not think that the independent claims are obvious.

Claims 1-4, 6-15, and 18-38, then, are not obvious over *Williams* with *Knudsen*. The independent claims recite many features that are not disclosed or suggested by *Williams* with *Knudsen*. Their respective dependent claims incorporate these same features and recite additional features. One of ordinary skill in the art, then, would not think that claims 1-6, 6-15, and 18-38 are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

Second Traversal of "Official Notice" of Survey Data

The Assignee again traverses the Office's use of "Official Notice" when rejecting claims 10 and 22. The Office takes "Official Notice" that survey data is well known in marketing. The Assignee disagrees with this assertion and, respectfully, believes that the Office is factually incorrect.

The Assignee, on the contrary, believes that the collection of survey data is unknown in the field of viewing habits. Paragraphs [0034] and [0037], which are reproduced below, explain:

[0001] Figure 2 is a block diagram of an exemplary network for collecting data from a plurality of data sources. A data source is any source of information and may include a database and/or a data collection device. Examples of data sources include records of retail purchases such as credit card purchases and online purchases, records of user viewing selections, and records of user information such as demographic information. In addition to the configuration shown in Figure 1, the server 11 may be connected to a plurality of data sources as depicted in Figure 2. Each data source contributes data to the user data 17 in the system memory 16. The classification module 13 reads and analyzes the user data 17. Examples of data sources include shopping information 25, television habits 27, **survey data 29**, and computer viewing information 31. Various configurations may be used to efficiently store and process the user data 17. For example, information about a user may be collected by a device and stored in a temporary memory location,

such as a buffer, and uploaded to the user data 17 periodically. In another example, multiple servers or a network of computers may perform the function of the server 11.

[0002]   **Survey data 29 includes information collected by surveys about a user**. Survey data 29 is collected by surveys, such as online surveys, telephone surveys, or mail-in surveys, and may include personal information about a user such as names, geographic locations, income levels and other demographic information.

The Assignee, then, respectfully, demands that the Office provide authority for its use of "Official Notice." As M.P.E.P. § 2144.04 (C) provides, the Assignee hereby respectfully requests that the Office provide documentary evidence to support this assertion.

Traversal of "Official Notice" of "Banner" & "Video Program" Incentives

The Assignee traverses the Office's use of "Official Notice" when rejecting claims 14, 26, and 28. Here the Office takes "Official Notice" that "banner" incentives and "video program" incentives are well known. The Assignee disagrees with this assertion and, respectfully, believes that the Office is factually incorrect.

The Assignee, on the contrary, believes that "banner" incentives and "video program" incentives are unknown. Paragraph [0019], which is reproduced below, explains:

> [0003]   In various embodiments, the user data includes global computer network viewing data, survey data, or sales data. In other embodiments, the incentive includes an image embedded into media content, a video program or a banner.

The Assignee, then, respectfully, demands that the Office provide authority for its use of "Official Notice." As M.P.E.P. § 2144.04 (C) provides, the Assignee hereby respectfully requests that the Office provide documentary evidence to support this assertion.

Traversal of "Official Notice" of Claims 25 & 29

The Assignee traverses the Office's use of "Official Notice" when rejecting claims 25 and 29. Here the Office takes "Official Notice" that it is "old and well known for users to select video games on" COMCAST®. Whether or not this is true, claims 25 and 29 make no mention of selecting video games on COMCAST®. Claim 25, instead, recites *"wherein the incentive comprises a video program,"* and claim 29 recites *"wherein the at least one user's content selections comprise video games."* The Assignee, then, respectfully, demands that the Office provide authority for *"wherein the incentive comprises a video program"* and for *"wherein the at least one user's content selections comprise video games."* As M.P.E.P. § 2144.04 (C) provides, the Assignee hereby respectfully requests that the Office provide documentary evidence to support this assertion.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or *scott@scottzimmerman.com*.

Respectfully submitted,
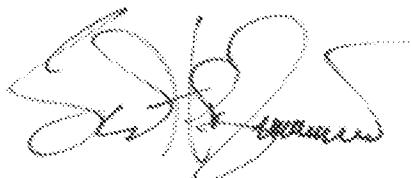
Scott P. Zimmerman
Attorney for the Assignee
Reg. No. 41,390